IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,)
) 8:96CR110
VS.)
) ORDER
DAVID P. FERREE,)
)
Defendant.)

Defendant David P. Ferree (Ferree) appeared before the court on February 15, 2013, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 28). Ferree was represented by Assistant Federal Public Defender Michael F. Maloney and the United States was represented by Assistant U.S. Attorney Michael P. Norris. Through his counsel, Ferree waived a probable cause hearing on the Report except as to Allegation 1 pursuant to Fed. R. Crim. P. 32.1(a)(1). Ferree also requested a detention hearing following the government's reuest for detention pending the dispositional hearing. A combined hearing was scheduled for February 22, 2013.

The government submitted Omaha Police Reports concerning the incident at Korner Bar on January 18, 2013 (Exhibit 1). Ferree presented clips of videotape from the surveillance camera of the outside of the Korner Bar on the night in question. The owner of the Korner Bar testified regarding the events of January 18, 2013. The court also heard the proffer regarding Ferree's current activities. The courts finds there is probable cause to believe all of the allegations of the Petition are generally true and Ferree has violated the conditions of his supervised release. Since it is Ferree's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, I find he has failed to do so. Ferree should be detained pending a dispositional hearing before Chief Judge Smith Camp.

IT IS ORDERED:

- 1. A final dispositional hearing will be held before Chief Judge Laurie Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at 11:30 a.m. on April 4, 2013. Defendant must be present in person.
- 2. Defendant David P. Ferree is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;
- 3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and
- 4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 22nd day of February, 2013.

BY THE COURT: s/ Thomas D. Thalken United States Magistrate Judge